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ORIGINAL

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

APR 11 2007

at 10 o'clock am 55 A y
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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00172-DAE
)	
Plaintiff,)	APPLICATION REGARDING
)	TEMPORARY TRANSFER OF
v.)	CUSTODY TO THE STATE OF HAWAII
)	REGARDING WRIT OF HABEAS
DAT LUONG,)	CORPUS AD PROSEQUENDUM;
)	EXHIBITS "A AND B"
Defendant.)	
)	
)	

APPLICATION REGARDING TEMPORARY TRANSFER
 OF CUSTODY TO THE STATE OF HAWAII REGARDING
WRIT OF HABEAS CORPUS AD PROSEQUENDUM

Dawnie Ichimura, Deputy Prosecuting Attorney for the City and County of Honolulu, State of Hawaii, hereby moves the Honorable Court for an Order authorizing the temporary transfer of the physical custody of Dat Luong from the United States Marshal Service, District of Hawaii, to State of Hawaii Officials from time to time and as needed until the conclusion of State of Hawaii v. Dat Luong, Criminal No. 01-1-2837.

Defendant Dat Luong is now detained in the custody of the United States Marshal Service, District of Hawaii, serving an 18 month federal term of imprisonment.

Defendant Dat Luong has a hearing on Motion to Set Aside Order for Deferred Acceptance of No Contest Plea and Acceptance of Defendant's No Contest Plea for Judgment of Conviction and Sentence before the Honorable Derrick H. M. Chan, Judge of the Circuit Court of the First Circuit, State of Hawaii, currently scheduled for May 16, 2007, 8:45 a.m.

The State of Hawaii has received approval for a temporary transfer of custody from the Assistant United States Attorney assigned to the above matter. (See, Exhibit "A").


This Application requests that the Court grant a temporary transfer of the physical custody of Dat Luong from the United States Marshal Service, District of Hawaii, to State of Hawaii Officials, based on the State of Hawaii's Writ of Habeas Corpus ad Prosequendum filed on April 9, 2007, in the Circuit Court of the First Circuit, State of Hawaii (see, Exhibit "B").

Upon conclusion of State of Hawaii v. Dat Luong, Criminal No. 01-1-2837, Defendant Dat Luong will be returned to the United States Marshal Service, District of Hawaii, on a mutually agreed upon date.

Dated at Honolulu, Hawaii: April 10, 2007.

STATE OF HAWAII

By PETER B. CARLISLE
Prosecuting Attorney

By 
DAWNIE ICHIMURA
Deputy Prosecuting Attorney
City and County of Honolulu